

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,  
Defendants.

FILED  
at Santa Fe, NM

FEB 23 2004

ROBERT M. MARSH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Rutherford & Plaza Blanca, Section 7  
Subfile No.: CHRU-004-0028

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

NORM VOGT INC.

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, is set forth below:

**A. NO RIGHT (Surface Water Only):**

**Office of the State Engineer File No(s) 1545 & 1699**

**Priority:** NONE

**Source of Water:** Surface water of the Rio Chama, a tributary of the Rio Grande.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

Ditch: WILLOW CREEK MESA DITCH

Location X: 1,548,909 feet Y: 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Within the Tierra Amarilla Grant	26.9 acres
Total	26.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-004-0028

**Amount of Water:** NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Verie L. Rubin  
SPECIAL MASTER

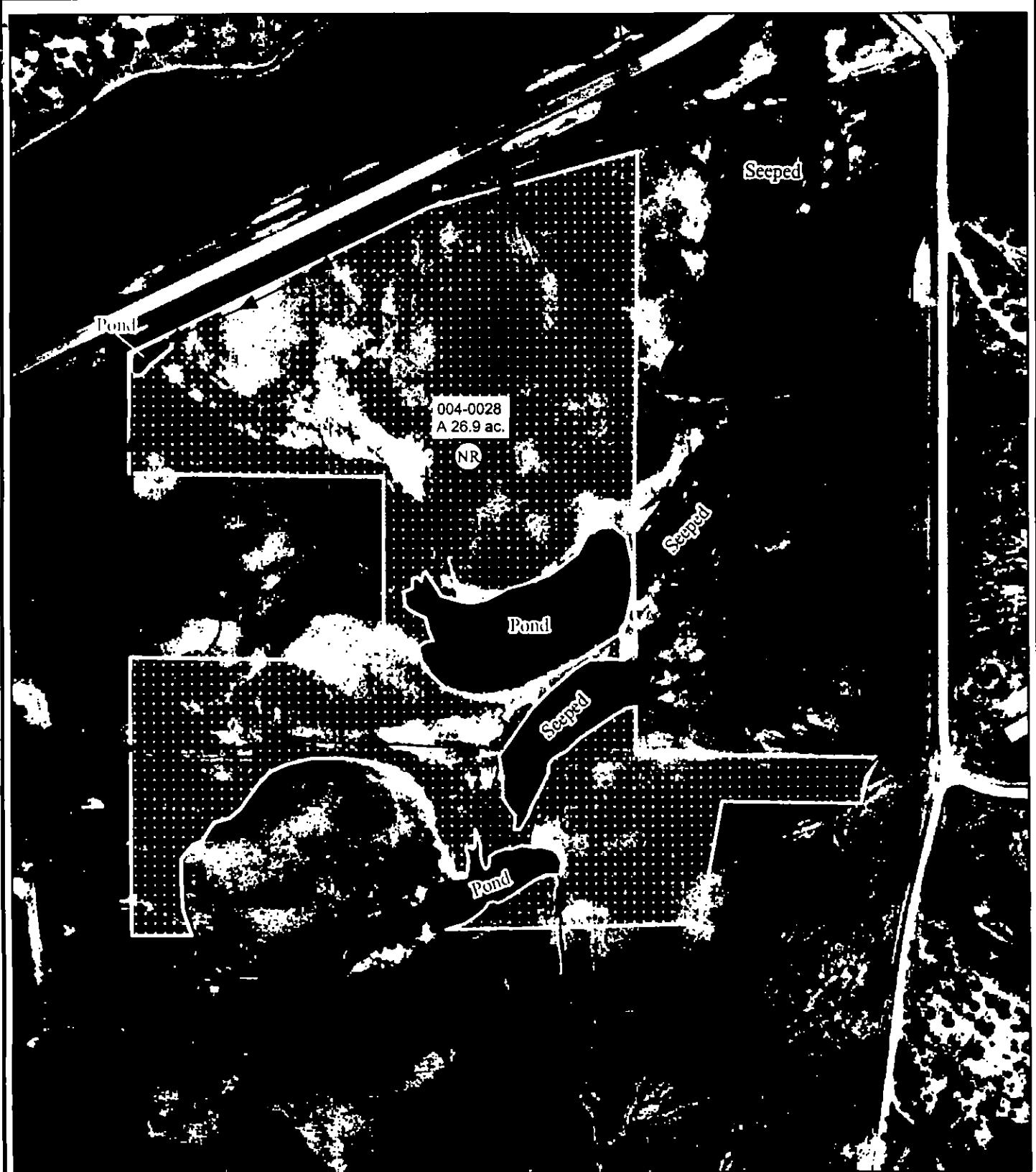
ACCEPTED: Norm Vogt  
NORM VOGT INC.

ADDRESS: Box 488  
Likely, CA 96116

DATE: 12/15/03

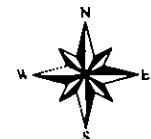
Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

1.12.04  
Date



LEGEND

Irrigated Tract Boundary	Point of Diversion
No Right Tract Boundary	Fallow
Seeped Area	No Right
Operable Ditch	
Inoperable Ditch	
Stock Ponds / Reservoir	



1 inch = 300 feet

2 50 100 200 300  
Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.,  
State Engineer

Rio Chama Hydrographic Survey  
Rutherford & Plaza Blanca Section

Subfile Number  
**CHRU 004-0028**  
Willow Creek  
Mesa Ditch  
AMENDED  
November 24, 2003

